

From: Walter Lamb [landtrust@ballona.org]
Sent: 4/19/2019 9:26:20 PM
To: Ballona Wetlands [landtrust@ballona.org]
Subject: AB 1511 and the range of possible SMBRC hosting scenarios
Attachments: AB 1511 Fact Sheet.pdf; email testimony for ab1511 - Tom Ford and Mary Small to testify.pdf; RE Question Re AB 1511 (Bloom) - Sam Schuschat identified as sponsor.msg; Re_ Call to Discuss AB 1511 (Bloom) - Lipper to SCC.msg

Dear GB members,

Revision of the Bay Restoration Plan was first discussed by US EPA at the October 2016 Governing Board meeting as the appropriate process for addressing structural concerns of SMBRC. Over the last three years we have been repeatedly asked by SMBRC to let that process play out despite our belief that the process was intended to validate a pre-determined outcome. A facilitated review of your structure and governance, funded by section 320 funds, was first proposed at the September 2018 Executive Committee meeting and commenced at your December 2018 meeting, with the stated objective of revising your governing documents. For reasons I have explained previously, your structure, and how you interpret your mandate to advise relevant state programs, directly impacts the important ecosystem that our organization exists to protect.

I understand that the working relationships and friendships that many of you have formed with each other over your many years of public service is integral to your ability to achieve important public objectives. You've earned each others trust and loyalty, and worked together to overcome obstacles and solve problems on behalf of the public. I've done a poor job in my public comments of recognizing the importance of these working relationships to the public interest.

I hope, however, that you can also recognize how the strong and valuable connections you have forged can sometimes make it difficult for less influential stakeholder organizations like ours to effectively obtain and communicate information about initiatives that we believe work against our conservation mission, such as multiple special interest projects and, now, AB 1511. It would have been perfectly legitimate for TBF or the Coastal Conservancy to propose new legislation for SMBRC as part of the local, public evaluation process that we were promised from the start. No answer was provided yesterday as to why TBF and the Conservancy chose not to inform the Governing Board or public of this bill prior to, or even soon after, its introduction. While Mr. Bishop stated that he learned of the bill on February 22, the day it was introduced, no information was provided as to when TBF and SCC began discussing the idea of this bill.

Despite assertions to the contrary, the introduction of this bill clearly affects the local public process that was already underway. The public was assured that the governance review would start with a blank slate and evaluate a range of possible structures (and, by inference, hosting scenarios) for SMBRC, such as potential consideration of structures more similar to Morro Bay (no state agency host), San Francisco (hosted by an association of local governments) or other NEPs (hosted by agencies, universities, etc.) or leaving the existing hosting arrangement with SWRCB in place. Instead, TBF and the Conservancy have effectively narrowed the discussion to a question of whether to support their chosen hosting preference for SMBRC. As such, an idea that has not once been raised in 30 years of the NEP, let alone during the recent solicitation of feedback, is now in the pole position and the most likely future of this public agency. Additionally, the bill does not address the structural issues that have surfaced over the last four plus years.

To do my job, I need facts. As public servants, I believe your duty is to help public stakeholders obtain objective facts, even when those facts may be uncomfortable to accomplished and deservedly respected colleagues. Beyond simply providing written records as required by law, it seems reasonable to expect the the Conservancy and Foundation to fully inform the Governing Board and public when they began discussing their desire to host SMBRC under the Conservancy, and to share the full details of those conversations, even if

conducted verbally with no written record. Similarly, I believe you should help us obtain other factual information we have requested about interim restoration projects at Ballona conducted by your NEP staff, more information about the role of LMU in the NEP (especially in light of the \$70K allocation of section 320 funds to the Coastal Research Institute), etc.. Our desire for more information ought not to be laughed off as conspiratorial in nature. Public access to governmental (including quasi-governmental) data is a cornerstone of open government, and we've used that right to substantial effect in protecting this ecosystem from encroachment.

Finally, I interjected that the NEP currently has 16 staff (14 Bay Foundation, 2 SMBRC) not to diminish Dr. Luce's comments about how hard staff works, but because it is important for a public agency to understand the staff resources at its disposal. As a stakeholder who has repeatedly heard lack of staff cited as a reason for inaction on various issues, it is troubling to hear a Governing Board member state that the NEP has only six or seven staff, especially at the same meeting in which you had just approved a work plan with 16 staff positions (one vacant, but also one consultant position not included).

I am attaching the fact sheet for AB 1511 that I received from the Los Angeles Regional Water Board and also a few e-mail records that provide additional context for the Coastal Conservancy's role in introducing AB 1511. It appears that SCC was initially identified as the bill's sponsor and that SCC staff helped craft the amended language of the bill. This seems to be at odds with the suggestion at the meeting that SCC is a neutral observer of the legislative process.

Thank you as always for consideration of these comments for the record.

Walter

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